THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.7341 OF 2007

DATED 12.04.2007

BETWEEN

Midwest Granite Private Limited

… Petitioner

AND

The Government of Andhra Pradesh, rep.by its Secretary, Revenue Department UC-III, Secretariat, Hyderabad and others.

… Respondents

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.7341 OF 2007

ORDER:

The petitioner company purchased plot numbers 3 and 4 admeasuring 1,000 square yards in survey Nos.80 to 84 in Patrika

Nagar, Madhapur Village, Serilingampally Mandal in Ranga Reddy District under registered sale deed, dated 07.11.1991 from Balaiah and others. The sale deed was executed by their General Power of Attorney holder. The petitioner alleges that respondents 3 and 4 encroached upon 894 square yards of the land. The petitioner, therefore, filed Land Grabbing Case under A.P.Land Grabbing (Prohibition) Act, 1982 before the special Court constituted under the said Act. The same being L.G.C.No.214 of 2003 is pending. In the meanwhile, respondents 3 and 4 filed applications before second respondent seeking regularization of their occupation in accordance with G.O.Ms.No.455, dated 29.07.2002. The second respondent sent a report, dated 16.03.2006 to first respondent informing that the land vests in the State and unauthorized occupation may be regularized. Considering the same, first respondent issued G.O.Ms.No.758, dated 24.06.2006 alloting land under Section 23(4) of the Urban Land (Ceiling and Regulation) Act, 1976 (the Act, for brevity) to as many as twenty seven (27) persons including respondents 3 and 4 herein. Aggrieved by the same, present writ petition is filed.

Learned counsel for the petitioner submits that the impugned order is illegal as the objections filed by petitioner are not considered by first respondent. Secondly, he submits that when the land grabbing case is pending before the special Court, the Government ought not to have issued the impugned Government Order. Learned Assistant Government Pleader for Urban Land Ceiling opposed the writ petition.

As per Section 1(3) of the Act, the Act came into force in the State of Andhra Pradesh on 17.02.1975. Section 5(2) of the Act renders transfer of vacant land in urban agglomeration after 17.02.1975 void. The land admittedly falls within Hyderabad Urban Agglomeration and therefore, the sale by Balaiah and others in favour of Petitioner Company is void transaction. A void transaction does not confer any title nor it results any transfer of property. Even according to the petitioner, respondents 3 and 4 allegedly encroached upon the land and sought for regularization. As rightly contended by the learned Assistant Government Pleader, the second respondent sent a report regarding compliance of conditions of G.O.Ms.No.455 by respondents 3 and 4, which was the basis for the Government to pass impugned order. Therefore, this Court does not find any infirmity in the order passed by the Government allotting land, which vested in them to respondents 3 and 4 and Section 23(4) of the Act.

The writ petition is misconceived and is accordingly dismissed. No costs.

(V.V.S.RAO,J)

12.04.2007.
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